(3)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

W.P. No. 1118 /2003

Petitioner : HARINARAYAN DILLIWAR,
S/o Late Shri Ram Charan
aged about 42 years,
President,
Janpad Panchayat Durg (C.G.)
R/o village - Achhoti,
Post Vinayakpur, Distt. Durg (C.G.)

P. R. No. 993/03
Presented by Shri Y.L. Tamrakar
dated 03.6.03

VERSUS

Respondents :

1. State of Chhattisgarh,
through : Secretary
Panchayat Department,
Govt. of Chhattisgarh,
D.K.S. Bhawan, G.E. Road,
Raipur (C.G.)

2. The Collector, Durg (C.G.)

3. Shri Devendra Deshmukh
S/o Shri Prem Sukh Deshmukh
aged about 31 years,
President, Janpad Panchayat
Durg (C.G.)

4. Janpad Panchayat Durg
Through Chief Executive Officer
Janpad Panchayat at Durg C.G.

शपथ आयुक्त
एस. के. शुक्ला
बिलासपुर (छ.ग.)
03/4/03

3/4/03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(53)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 1118/03

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Justice K. H. N. Kuranga, C.J.
& Hon'ble Justice L. C. Bhadoo, J.

15/10/2003

Shri V. G. Tamaskar, counsel for the petitioner.

Shri Sunil Sinha, Additional Advocate General with Shri Sanjay K. Agarwal for the Respondents No. 1 and 2.

Shri Awadh Tripathi, Advocate for the Respondent No.3.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has challenged the order dated 31st March 2003 Annexure P/7 passed by the Chief Executive Officer, Janpad Panchayat, Durg.

The petitioner's petition is that vide order dated 29.10.2002 Annexure P/1 learned Collector, Durg in Panchayat Case No. 1/A-89/2001-2002 (State Vs. Devendra Deshmukh) removed the Respondent No.3 Devendra Deshmukh from the office of the President, Janpad Panchayat, Durg. Thereafter the Executive Officer, Janpad Panchayat, Durg issued a notification dated 13.11.2002 Annexure P/2 for convening a separate special general meeting on 21.11.2002 to fill up the vacant post of the President, Janpad Panchayat, Durg. The Respondent No.3 submitted his objections but those objections were rejected by the Authority and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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vide certificated dated 21.11.2002 Annexure P/3, the Respondent No.4 was pleased to declare the petitioner as elected President of the Janpad Panchayat, Durg. However, the Respondent No.3 had filed a W.P.No. 2315 of 2002 before this Court and the Division Bench of this Court vide order dated 20th March, 2003 Annexure P/4 granted stay in favour of the Respondent No.3. Learned counsel for the petitioner submits that the petitioner was not impleaded as party in the petition filed by the Respondent No.3 and pursuant to the stay order the Chief Executive Officer, Janpad Panchayat Durg issued the impugned order Annexure P/7 removing the petitioner from the post of President of Janpad Panchayat Durg and reinstated the Respondent No.3 as President.

We have heard Shri V.G.Tamaskar, learned counsel for the petitioner, Shri Sunil Sinha, learned Additional Advocate General for the State and Shri Awadh Tripathi, learned counsel for the Respondent No.3.

Writ Petition No. 2315/2002 in which the Respondent No.3 was granted stay order on 20.3.2002 has now been dismissed by this Court vide order dated 12th September 2003 passed in W.P.No. 463/2002 Yashwant Kumar Sahu Vs. State of Chhattisgarh and

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आदेश पत्रक

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another with connected writ petitions including W.P.No. 2315/2002, therefore the Respondent No.3 is not entitled to continue on the post of President of Janpad Panchayat, Durg and accordingly the order Annexure P/7 issued by the Chief Executive Officer pursuant to the stay order dt. 20.3.2002 in W.P.No. 2315/2002 is liable to be quashed.

In the result this petition is allowed and the order dated 31.3.2003 Annexure P/7 passed by the Chief Executive Officer, Janpad Panchayat, Durg is quashed. The Chief Executive Officer, Janpad Panchayat, Durg is directed to pass appropriate order.

Parties are entitled for certified copy of this order.

Sd/-
Chief Justice

Sd/-
L.C. Bhadoo
Judge

Thakur

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